

REMARKS-General

The newly drafted independent claims 49, 59, and 69 incorporate all structural limitations of the original claims 1, 20, and 35 and include further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 49-79 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

Regarding to Rejection of Claims 1, 2, 4, 6, 7, 14, and 15 under 35USC102

The Examiner rejected claims 1, 2, 4, 6, 7, 14, and 15 as being anticipated by Fischer (GB 2 017 606). Pursuant to 35 U.S.C. 102, "a person shall be entitled to a patent unless:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

In view of 35 U.S.C. 102(b), it is apparent that a person shall not be entitled to a patent when his or her invention was patent in this country more than one year prior to the date of the application for patent in the United States.

However, the Fischer patent and the instant invention are not the same invention according to the fact that the independent claim 1 of the Fischer patent does not read upon the instant invention and the independent claim 49 of the instant invention does not read upon the Fischer patent too. Apparently, the instant invention, which discloses a detachable container for detachably mounting to two inclination arms of a golf cart, should not be the same invention as the Fischer patent which discloses a container for fastening on a baby stroller or a perambulator.

Accordingly, Fischer fails to anticipate the distinctive features of the instant invention as follows:

(a) In claim 49, "a **detachable container**" is claimed for detachably mounting to a golf cart having two inclination arms that a transverse distance between the two

inclination arms are gradually reducing from upper ends to lower ends, wherein Fischer merely teaches a container is fastened on a baby stroller having a framework with a "X" structure without any mention of any framework having an inverted "V" structure. The applicant respectfully submits that the structure of the baby stroller is totally different from the structure of golf cart having two inclination arms. The framework of the baby stroller has two members formed in "X" structure that a width therebetween is gradually increasing towards two upper ends and two lower ends. However, the structure of the golf cart has two inclination arms having a transverse distance gradually reducing from the upper ends to the lower ends. The detachable container of the instant invention is designed to detachably mount to the golf cart having such inverted "V" shaped structure.

(b) In claim 49, "**two container holders** are spacedly mounted on a rear side of the container frame" is claimed to define a holding length between the container holders, Fischer merely teaches a fastener at the container without any mention of any two symmetrical container holders to respectively engage with the two inclination arms of the golf cart.

(c) In claim 49, "**the holding length** between the two container holders is larger than an upper span between the two upper ends of the inclination arms and is smaller than a lower span between the two lower ends of the inclination arms" is claimed to incorporate the detachable container with the inclination arms of the golf cart, wherein Fischer merely teaches the container is fastened on a lower portion of the framework of the baby stroller. In addition, Fischer merely teaches the upper span of the "X" shaped framework is the same as the lower span thereof.

(d) In claim 49, "each of the container holders is **selectively mounted** on the rear side of the container frame" is claimed to selectively adjust the holding length between the two container holders with respect to the transverse distance between the inclination arms, wherein Fischer merely teaches the fastener is affixed to the container without any mention of how to selectively adjust the holding length between the two securing hooks. The applicant respectfully submits that the detachable container of the can be adjustably mounted to the golf cart to selectively adjust the position of the detachable container with respect to the ground level. When the holding length is shortened, the detachable container is adapted to mount at a higher position of the inclination arms of the golf cart. When the holding length is increased, the detachable

container is adapted to mount at a lower position of the inclination arms of the golf cart. However, Fischer does not anticipate such concept by adjusting the holding length.

(e) In claim 49, “the container holders are adapted for **self-adjustably** holding along said the inclination arms respectively at a position that the holding length matches with the transverse distance between the two inclination arms” is claimed to substantially hold the detachable container at the golf cart, wherein Fischer does not teach or suggest any self-adjustment of the holding length matching with the width between the “X” framework of the baby stroller.

(f) Fischer does not anticipate or teach “each of the container holders has a **detachable end** detachably affixed on the rear side of said container frame” to selectively adjust the holding length between the container holders as claimed in claim 50.

(g) Fischer does not anticipate or teach “each of said container holders further has a **hooking end** for holding at the respective inclination arm” when the holding length is adjusted with respect to the transverse distance between the two inclination arms as claimed in claim 51. Fischer merely teaches two securing hooks engaging with the “X” framework of the baby stroller.

(h) Fisher fails to anticipate the holding member of the container holder has a **holding groove** which is downwardly and outwardly extended for **matching an inclination angle** of said respective inclination arm” as claimed in claim 53.

(i) Fischer does not anticipate or teach any “**supplement container holder** having symmetrical structure of the container holder” to adjust the holding length between the supplement container holders as claimed in claims 56-58, 66-68, and 77-79.

Accordingly, Fischer fails to anticipate the above distinctive features (a) to (i). Therefore, Fischer is not a qualified prior art of the instant invention and should be removed from the prior art list of the instant invention.

Response to Rejection of Claims 3, 5, 16-23, 30, 31, 33-35, 38, 40-42, 44, 45, 47, and 48 under 35USC103

The Examiner rejected claims 3, 5, and 16-19 over Fischer in view of Oren (US 4,635,801), claims 20-23, 30, 31, 33, and 34 over Fischer in view of Reynolds (US 5,582,229), and 35, 38, 40-42, 44, 45, 47, and 48 over Cheng et al (US 6,886,852) in view of Fischer and/or Reynolds. Pursuant to 35 U.S.C. 103:

“(a) A patent may not be obtained though the invention is **not identically** disclosed or described as set forth in **section 102 of this title**, if the **differences** between the subject matter sought to be patented and the prior art are such that the **subject matter as a whole would have been obvious** at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.”

In view of 35 U.S.C. 103(a), it is apparent that to be qualified as a prior art under 35USC103(a), the prior art must be cited under 35USC102(a)~(g) but the disclosure of the prior art and the invention are not identical and there are one or more differences between the subject matter sought to be patented and the prior art. In addition, such differences between the subject matter sought to be patented **as a whole** and the prior art are obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

In other words, the differences between the subject matter sought to be patent as a whole of the instant invention and Fischer or Cheng which is qualified as prior art of the instant invention under 35USC102(b) are obvious in view of Reynolds at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

However, as recited above, Fischer merely discloses a container having an upper fastener and a lower fastener fastening on a “X” framework of the baby stroller. In other words, Fischer merely suggests the container can be fastened to the lower portion of the framework of the baby stroller with any mention of how to mount the container to the inverted “V” shaped inclination arms of the golf cart and how to selectively adjust the holding length to mount to the golf cart.

Therefore, the difference between Fischer and the instant invention as claimed in claims 49 to 79 is not limited to the disclosure of “container”, but includes the above distinctive features (a) to (i). In addition, regarding to claims 49 to 79, the instant invention further contains the following distinctive features:

(j) Fischer does not teach or suggest “the container frame can be **folded** into a compact structure” as claimed in claim 59. Accordingly, the container frame of the instant invention comprises a plurality of boundary walls pivotally connected with each other edges to edges, a base wall pivotally connected to one of the boundary walls edge to edge, and at least a retention stopper provided at a bottom edge of the corresponding boundary wall in such a manner that when the base wall is pivotally and downwardly folded within the boundary walls and is stopped by the retention stopper, a storing chamber having a top opening is substantially formed within the boundary walls and the base wall. Fischer never mention any foldable container.

(k) Fisher fails to teach the boundary walls are inclinedly extended from the base wall such that the **top opening** of the boundary frame is facing in an inclination manner when the container frame is held on the golf cart as claimed in claim 60 in addition to what is claimed in claim 59.

(l) Fischer does not teach or suggest “**two retention bases and two fastening units**” to selectively adjust the holding length between the container holders as claimed in claim 52 in addition to what is claimed in claim 49 and as claimed in claim 63 in addition to what is claimed in claim 59.

(l) Fischer does not teach or suggest “each fastening unit comprising a **slider shaft and a shaft fastener** detachably fastened with the slider shaft to securely lock up the container holder at the respective retention base” so as to retain the container holder on the container frame in position as claimed in claims 54 and 55 in addition to what is claimed in claim 49 and as claimed in claim 65 in addition to what is claimed in claim 59.

Regarding to claims 71-80, the Subject Matter of the instant invention is **the golf cart with the detachable container**. The applicant respectfully submits that in order to determine whether the differences between the subject matters sought to be patent as a

whole of the instant invention and the primary prior art, Cheng, are obvious in view of the supplemental cited arts, Fischer, Oren, and/or Reynolds, we have to identify all the differences between the claims of the instant inventions and Cheng. The applicant respectfully identifies the differences between the claims of the instant invention and Cheng as follows:

(m) Cheng merely discloses a foldable golf cart having two inclination arms wherein a width therebetween is gradually reducing from the upper ends to the lower ends. Cheng does not mention any detachable container detachably mounting to the inclination arms of the foldable golf cart. In fact, Cheng did not provide any of such suggestion or description in its disclosure. Also, it is apparent that **foldable mechanism** is the main objective and achievement of the Cheng's golf cart since the claims of Cheng's patent claim nothing but the foldable mechanism. Throughout the specification and claims of Cheng's patent, there is no detachable container described or suggested to incorporate with the inclination arms of the golf cart.

Accordingly, the instant invention as claimed in the claims 69 to 79 contains structural features of the detachable container detachably mounting to the foldable golf cart as a whole which is totally different to the foldable golf cart. Regardless of the structural features different from the cited arts is distinctive or obvious, it is unreasonable for a person having ordinary skill in the art to modify the foldable golf cart to incorporate the Fischer's container. If the instant invention fails to obtain a patent with claims for limited protection, everybody in this industry (including the applicants of the cited arts) can simply copy the structural features of the instant invention without the need of investing any research and development cost but to compete with the applicant in lower product cost in the applicant's market. It is not only an unfair competition but also violates the spirit of encouraging invention and technology development of the patent law.

Whether the claims 49 to 79 as amended of the instant invention are obvious depends on whether the above differences (a) to (m) between the instant invention and Fischer or Cheng are obvious in view of Oren or Reynolds at the time of the invention was made.

Furthermore, the applicant respectfully submits that when applying 35 USC 103, the following tenets of patent law must be adhered to:

- (a) The claimed invention must be considered as a whole;
- (b) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- (c) The references must be viewed without the benefit of hindsight vision afforded by the claimed invention; and
- (d) Reasonable expectation of success is the standard with which obviousness is determined.

Also, "The mere fact that a reference could be modified to produce the patented invention would not make the modification obvious unless it is suggested by the prior art." Libbey-Owens-Ford v. BOC Group, 4 USPQ 2d 1097, 1103 (DCNJ 1987).

Oren merely teaches a device for holding and storing articles without any suggestion of how such device be possibly equipped with a container holder to selectively adjust the holding length so as to mount to the inclination arm of the golf cart. Similarly, neither Fischer nor Oren suggests a detachable container containing the above distinctive features (a) to (m) as claimed in the instant invention as well as any combination or possibility of providing the container holder to engage with the inclination arm of the golf cart and adjusting the holding length of the container holder to selectively adjust the position of the detachable container with respect to the golf cart.

Reynolds merely teaches a foldable basket for bicycle, wherein the bottom side of the foldable basket has a hinge to pivotally fold the bottom side in half. It is apparent that the folding structure of the Reynolds's basket is different from that of the foldable container of the instant invention. In addition, the basket taught by Reynolds is mounted on the bicycle and the container taught by Fischer is mounted on the baby stroller, it is

unreasonable for a person having ordinary skill in the art to modify the Fischer's container with the Reynolds's basket to provide a foldable container detachably mounting to a golf cart having two inclination arms.

"To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the examiner to show a motivation to combine the references that create the case of obviousness. In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited art references for combination in the manner claimed... [T]he suggestion to combine requirement stands as a critical safeguard against hindsight analysis and rote application of the legal test for obviousness..." *In re Gorman*, 933 F.2d 982, 986, 18 USPQ 2d 1885, 1888 (Fed. Cir. 1991).

Accordingly, the applicant believes that neither Fischer, Cheng, Oren nor Reynolds, separately or in combination, suggests or makes any mention whatsoever of the difference subject features (a) to (m) as claimed in the claims 49 to 79 of the instant invention.

Applicant believes that for all of the foregoing reasons, all of the claims are in condition for allowance and such action is respectfully requested.

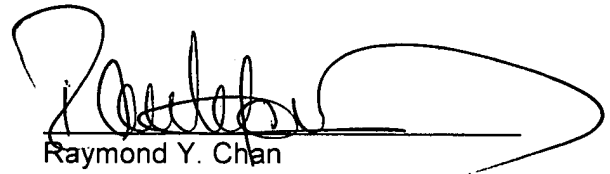
The Cited but Non-Applied References

The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the objection are requested. Allowance of claims 49-79 at an early date is solicited.

Should the Examiner believe that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

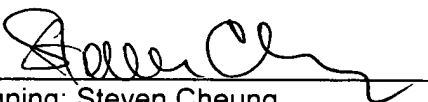


Raymond Y. Chan
Reg. Nr.: 37,484
108 N. Ynez Ave.
Suite 128
Monterey Park, CA 91754
Tel.: 1-626-571-9812
Fax.: 1-626-571-9813

CERTIFICATE OF MAILING

I hereby certify that this corresponding is being deposited with the United States Postal Service by First Class Mail, with sufficient postage, in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: 05/01/2006

Signature: 
Person Signing: Steven Cheung